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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,289	10/31/2001	Anne Marie Darling	21710-69931	4057
28062	7590	11/05/2003	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR, & ALLISON 5 ELM STREET NEW CANAAN, CT 06840			GREENE, DANIEL L	
		ART UNIT	PAPER NUMBER	
		3621		

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/016,289	DARLING, ANNE MARIE
	Examiner Daniel L. Greene	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 October 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz et al. U.S. Patent 6,088,702 [Plantz' 702], and further in view of Ross et al. U.S. Patent 6,026,417 [Ross' 417].**

- 5.

As per claims 1, 5, 6, 8, 12, and 13, the Applicant uses the term "client side interface" with the modifier of first, second, third, etc. The Examiner has reviewed the Specifications for clarification of the term and it appears that the Applicant has not given specific meaning to the term. Therefore, the Examiner will interpret the term "client side

interface" as pertaining to the form of processing known as multitasking which is common to Windows operating systems.

As per claims 1 and 8:

The recitation of "A method for generating ..." and "An apparatus for generating ..." has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause. *Kropa v. Robie, 88 USPQ 478 (CCPA 1951)* .

Plantz' 702 discloses:

preauthorizing a Content Provider; Col. 8, lines 20-30.

using said first client side interface to provide said content as an Article. Col. 11, lines 44-55.

preauthorizing a first Content Editor; Col. 10, lines 1-15.

- providing said first Content Editor with access to said Article through a second client side interface; Col. 7, lines 28-65.

- using said second client side interface to review said article. Col. 7, lines 28-65.

Plantz' 702 discloses the claimed invention except for the providing said Content Provider with access to a Content Type Template through a first client side interface.

However, Plantz' 702 does teach about providing guides of the formats of data. Col. 9, lines 1-10.

Ross' 417 teaches that it is known in the art to provide said Content Provider with access to a Content Type Template through a first client side interface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the formats of data of Plantz' 702 with the menu-driven utility of Ross' 417, in order to standardize data presentation to facilitate printing and distribution.

As per claims 2 and 9:

Plantz' 702 further discloses:

the step of publishing said Article. Col. 11, lines 43-55

As per claims 3 and 10:

Plantz' 702 further discloses:

the step of disseminating said Article. Col. 11, lines 43-55.

As per claims 4 and 11:

Plantz' 702 discloses the claimed invention except for the said Content Type Template is chosen from the group comprising: Website Document Template, Email Template, Alert Template, and Branded Content Template. However, Plantz' 702 does teach about providing guides of the formats of data. Col. 9, lines 1-10.

Ross' 417 teaches that it is known in the art to provide said Content Provider with access to a Content Type Template. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the formats of data of Plantz' 702 with the menu-driven utility of Ross' 417, in order to standardize data presentation to facilitate printing and distribution.

Ross' 417 does not expressly show the Content Type Template as being Website Document Template, Email Template, Alert Template, and Branded Content Template.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The choosing of the template regardless of what it is designated as would still be performed the same regardless of what it was designated as or labeled.

Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, to choose a template that would assist them in developing the document they want to create and label it in a way that is meaningful to the user because, such labels do not functionally relate to the steps in the method claimed and because the subjective interpretation of the label does not patentably distinguish the claimed invention.

As per claims 5 and 12:

Plantz' 702 discloses the claimed invention except for designating a second Content Editor and a third client side interface. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to replicate a procedure to incorporate additional user, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Plantz' 702 further discloses:

preauthorizing a second Content Editor; Col. 10, lines 1-25.  
providing said second Content Editor with access to said Article through a third client side interface; Col. 10, lines 1-25  
using said third client side interface to review said article. Col. 10, lines 30-63.

As per claims 6 and 13:

Plantz' 702 discloses the claimed invention except for designating a third Content Editor and a fourth client side interface. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to replicate a procedure to incorporate additional user, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Plantz' 702 further discloses:

preauthorizing a third Content Editor; Col. 10, lines 1-25.

providing said third Content Editor with access to said Article through a fourth client side interface; Col. 10, lines 1-25.

using said forth client side interface to review said article. Col. 10, lines 1-25.

As per claims 7 and 14:

Plantz' 702 further discloses:

requesting information from an External User regarding said Article. Col. 5, lines 14-18.

As per claim 15:

Plantz' 702 further discloses:

An interface produced by any of the methods of claims 1 through 7. Col. 7, lines 10-60.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

10/23/03

DLG



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